

*JLW*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James D. Perrick

Examiner: Jordan Lofdahl

Serial No: 10/693,559

Art Unit: 3644

Filed: 10/27/2003

For: WOBBLING FISHING LURE

**RESPONSE TO NOTICE OF NON COMPLIANT AMENDMENT**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to a Notice of Non-Compliant Amendment Mailed June 17, 2005 applicant here submits a copy of his Amendment and Response as was timely filed on January 24, 2005, where he has copied the Remarks section onto a separate sheet of paper. With this submission applicant believes that the Notice of Non-Compliant Amendment (37 CFR 1.121) have been satisfied and that the Amendment and Response should be considered.

Respectfully submitted,

  
M. Reid Russell

854 West 3390 South

Hurricane, Utah 84737

Tele 435-674-5739

Fax 435-635-3016

MRR/rr

Docket No. 7658

Date: June 30, 2005

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non- Fee Amendments, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450 on June 30, 2005.



M. Reid Russell

June 30, 2005

Date

### List of items sent:

Response to Non-Compliant Amendment (3 pages with Mailing certificate) with corrected section of the Non-Compliant Amendment with the entire Amendments to the claims section( 14 pages with Mailing Certificate)

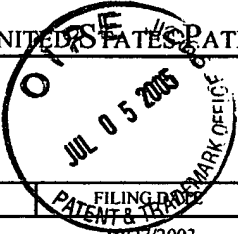
Copy of the Office Communication 2 pages

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,559	10/27/2003	James D. Perrick	7658	3618
31253	7590	06/15/2005	EXAMINER	
M. REID RUSSELL 854 WEST 3390 SOUTH HURRICANE, UT 84737			LOFDAHL, JORDAN M	
			ART UNIT	PAPER NUMBER

DATE MAILED: 06/15/2005

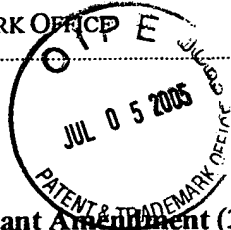
Please find below and/or attached an Office communication concerning this application or proceeding.

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**Notice of Non-Compliant Amendment (37 CFR 1.121)**

The amendment document filed on 1-24-05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Remarks should be on separate page

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/procnotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Ms. Cofer  
Legal Instruments Examiner (LIE)

571-272-6583  
Telephone No.